

K&L GATES

November 15, 2022

Nathan A. Huff  
Partner  
Nate.Huff@klgates.com

**Via ECF**

T +1 919 314 5636  
F +1 919 516 2045

Hon. Valerie Figueredo  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: *Brian Joseph Gref v. American International Industries, et al.***  
**Case No.: 1:20-cv-05589-GBD-DCF**  
**Motion for Extension of Reply Deadline Regarding Motions to Modify**

Dear Judge Figueredo:

Non-party Northwell Health, Inc. (“Northwell”) hereby moves, pursuant to Local Civil Rules 5.2(b), 7.1(d), and Your Honor’s Individual Rules—and with the consent of Defendants, Whittaker, Clark & Daniels, Inc. (“WCD”) and American International Industries, Inc. (“AII”) (together, “Subpoenaing Defendants”)—to extend the time for Northwell to reply to Subpoenaing Defendants’ anticipated response to Northwell’s November 4, 2022 Motions to Modify by nine (9) days, to December 2, 2022. This is Northwell’s first request for an extension of this deadline.

AII and WCD served subpoenas on Northwell on September 28, 2022 and October 14, 2022, respectively. Notwithstanding the return dates on those subpoenas, AII and WCD each separately consented to extend Northwell’s time to respond until November 4, 2022. On November 4, 2022, Northwell responded to the subpoenas by producing documents and also filing separate Motions to Modify pursuant to Rule 45(d)(3) of the Federal Rules of Civil Procedure. (ECF Nos. 264, 267) Local Civil Rule 6.1(a) would have set Subpoenaing Defendants’ deadline for responding to Northwell’s motions on Friday, November 11, 2022, and Northwell’s reply deadline on Monday, November 13, 2022. However, pursuant to Subpoenaing Defendants’ November 9, 2022 joint letter motion (ECF No. 273), the Court entered an Order allowing them to respond by November 21, 2022, effectively granting them a 10-day extension (ECF No. 274).

Given that Local Civil Rule 6.1(a) provides for a two-day reply deadline for Rule 45(d)(3) motions, absent an extension, Northwell must reply to Subpoenaing Defendants’ anticipated response by Wednesday, November 23, 2022. This is the day before the Thanksgiving holiday,

Judge Figueredo  
November 15, 2022  
Page 2 of 2

and the undersigned currently has travel arrangements in place for that day. Moreover, the intervening Thanksgiving holiday itself would make it difficult for the undersigned to coordinate with Northwell and finalize the terms of its reply.

With the consent of Subpoenaing Defendants, Northwell respectfully moves the Court for an Order extending Northwell's reply deadline until Friday, December 2, 2022. This would represent a nine (9)-day extension from the deadline currently contemplated by the Local Civil Rules, and would allow Northwell to take the week after Thanksgiving to finalize and file its reply. Additionally, inasmuch as the Court will not take up Northwell's Motions to Modify until December 12, 2022, the requested extension would not delay the resolution of any issues pertaining to the subpoenas, and would work no prejudice on any party.

Thank you for your time and attention this matter.

**K&L GATES LLP**

/s/ Nathan A. Huff

Nathan A. Huff  
North Carolina State Bar No. 40626  
Anderson M. Shackelford  
North Carolina State Bar No. 49510  
430 Davis Dr., Suite 400  
Morrisville, North Carolina 27560  
Telephone: (919) 789-5703  
Facsimile: (919) 789-5301  
E-mail: nate.huff@klgates.com  
E-mail: anderson.shackelford@klgates.com

Kodey M. Haddox  
599 Lexington Ave.  
New York, New York 10022  
Telephone: (212) 536-3920  
Facsimile: (212) 536-3901  
E-mail: kodey.haddox@klgates.com

***Counsel for Non-Party Northwell Health, Inc.***

cc: All counsel of record (via ECF)